THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.2825 of 1998
Date: 23-03-2007

Between:
Porumamilla Sunanda and two others

Petitioners

And

The A.P.S.R.T.C., Executive Director,
Cuddapah Zone, Cuddapah District and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.2825 of 1998

ORDER:

1. This writ petition has been instituted seeking a declaration that the action of the respondents in not appointing them as Conductors as unconstitutional.

2. The respondent corporation has taken out an employment notification on 6th May,1997 proposing recruitment among others to the posts of women conductors. Though the writ petitioners have participated in the selection process they were not selected or appointed as Conductors and their enquiries revealed that since they did not possess the prescribed physical standards, they were not selected for employment. The writ petitioners have pointed out that the physical standard prescribed for the post of Conductor is that the candidate should not be less than 153 centimetres in height. The contention of the petitioners is that they were short of this requirement by one or two centimeters and unfortunately the respondent corporation had fixed unusually high physical standards to attain in utter disregard of the average physical standards of Indian women. Hence, they contend that such an action on the part of the State owned Corporation is arbitrary and hence bad in law.

3. The respondent corporation at long last has filed it's counter affidavit and it had also placed before me a report finalized by a committee of officers constituted by it for the purpose of examining the physical standard required to be possessed by the candidates concerned for recruitment as Conductors. It has

also been pointed out that a Senior Medical Officer of the respondent corporation had also been associated with this committee and after due deliberations this committee had taken into account the minimum height of the roof of the passenger vehicle as prescribed under the Motor Vehicles Act is 1500 mm, and which height can also go up to a maximum of 1900 mm and the gap between the roof and grabrail has to be 50 mm. Therefore, taking these factors into account and consideration and also the requirement of the job of a conductor to oscillate quite frequently in the bus for the purpose of issuing tickets, the minimum height requirement of the candidate should not be less than 153 centimetres. In this view of the matter, the respondent corporation accepting this report of the committee of officers had prescribed the physical standard as 153 centimetres in height for the post of conductor and 163 centimetres for the post of driver of the vehicle. The respondents would further urge that all the candidates who have responded to the notification have been subjected to minimum physical standards test and without any exception only such candidates who possessed the minimum standards of physical fitness prescribed alone have been selected. The only exception, if at all it can be called so, is in the matter of consideration of the claims of the dependents of the deceased children who form a separate class seeking employment.

4. Since the committee of officers has been constituted pursuant to certain directions issued by this court in W.P.No.6822 of 1997 and since the committee had considered all relevant factors into account and only after a thorough examination of all relevant factors had come to the conclusion that the minimum height required for effectively and efficiently discharging the functions of a conductor of a bus to be 153 centimetres, such a decision cannot be termed as irrational or arbitrary. It is not open for judicial review and consequently the writ

petition is not the appropriate remedy. The fact that a proper or better analysis of the Anthropological statistics available indicating the average height of women and particularly those coming from undernourished segments from rural areas to be less than 153 centimetres cannot be a factor for this court to substitute it's opinion for that of the experts in the matter of fixation of physical standards. It is always open to the corporation as an employer to have a wider scope of consideration and fix up appropriately the requirements of physical standards for various jobs. Since, I am not in a position to hold that requirement of a particular physical standard is not essentially required for one to conduct a bus, I cannot agree with the contention that the decision of the corporation in fixing the requirement of height to be of 153 centimetres even for the female candidates is arbitrary or irrational or baseless.

5. For the above reasons, the writ petition is dismissed. No order as to costs.

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NOOTY RAMAMOHANARAO, J

23-03-2007
Stp